1IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 22.02.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPATHKUMAR

Habeas Corpus Petition No.114 of 2006

Laxsman Singh ... Petitioner

vs.

1. State of Tamilnadu, represented
by Secretary, Home (Prison)
Department, Fort St. George,
Chennai 600 009.

2. The Inspector General of Prison,
Chennai 600 002.

3. The Superintendent,
Central Jail No.2,
Tihar, New Delhi. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a writ of habeas corpus to call for the records, direct the respondents herein to produce the body of the petitioner Laxsman Singh, son of late Gian Singh, now confined in Central Jail No.2, Tihar, New Delhi, before this Court and set him at liberty.

For Petitioner : Mr.P.Venkatasubramanian

For R-1 & R-2 : Mr.Abudukumar Rajarathinam,
Government Advocate.

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner, by name Lakshman Singh of New Delhi, who is now confined in Central Jail No.2, Tihar, New Delhi, has filed this Petition seeking for a direction to the respondents to produce him before this Court and set him at liberty.

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2. Based on the averments made in the affidavit filed in support of the above petition, this Court directed the learned Government Advocate to get instruction with reference to the grievance expressed by the petitioner. Pursuant to the same, on behalf of the second respondent, Additional Director General of Prisons, Chennai-8, Tamil Nadu, has filed counter affidavit, highlighting various aspects.

3. It is seen that the petitioner herein, who is a life convict and now confined in Central Prison, Tihar, New Delhi, was convicted under Sections-302 read with 34, 148, 449 and 395 read with 397 IPC. and sentenced to undergo imprisonment for life, RI for 3 years, RI for 10 years (2 counts) respectively, the sentences to run concurrently, in S.C. No.139 of 1985, by Judgment dated 31.12.1986 of the Sessions Court, Chengleput. He was sent to Central Jail, Tihar, on 12.05.1990.

It is further seen that the petitioner was admitted in Prison on 10.06.1985 as a remand prisoner and sentenced to imprisonment on 31.12.1986. When he was transferred to Central Jail, Tihar, he had escaped from Police custody at the Court of New Delhi and remained at large from 01.06.1991 to 22.8.1991. On another occasion, when he was released on leave as per orders of the Supreme Court from 23.05.1992 to 31.5.1992, he absconded and later recaptured only on 17.2.1993. As such, he remained at large for a total period of 352 days. According to the information furnished by the Additional Director General of Prisons, the petitioner completes 20 years of actual sentence on 05.06.1006.

It is also brought to our notice that his earlier petition in HCP No.886 of 1999, requesting to release him, was dismissed by this Court on 30.08.1999. Subsequently, he filed Writ Petition (Crl.) No.187 of 2004 before the Hon'ble Supreme Court and the same was also dismissed on 25.02.2005.

4. In addition to the above information, learned Government Advocate has brought to our notice various Government Orders relating to premature release and it is contended that inasmuch as the petitioner was also convicted under Section 397 IPC., ie., for dacoity, he is not eligible for premature release. However, it is not for this Court to go into those aspects since as per the information furnished, the petitioner will complete twenty years of actual sentence only on 05.06.2006.

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5. We do not find any valid ground to accept the case of the petitioner. Accordingly, the Habeas Corpus Petition is dismissed.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to
   Govt. of Tamil Nadu, Home (Prison)
   Department, Fort St.George,
   Chennai 600 009.

2. The Inspector General of Prison,
   Chennai 600 002.

3. The Superintendent,
   Central Jail No.2,
   Tihar, New Delhi.

4. The Joint Secretary to Government,
   Public (Law & Order), Fort St George,
   Chennai 9.

5. The Public Prosecutor, High Court,
   Madras.

+ 1 cc to Mr.P. Venkata Subramanian, Advocate SR No.8687

TEJ(CO)
SR/7.3.2006

HCP No.114 of 2006.

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